

## **RESOLUTION # 09-01**

### **RESOLUTION OF THE BOARD OF COMMISSIONERS AMENDING THE RULES AND REGULATIONS MANUAL (RESOLUTION 05-01)**

**WHEREAS**, the Board of Commissioners of the IMMOKALEE WATER AND SEWER DISTRICT (hereinafter referred to as the "Board") is empowered to construct, operate and maintain a Water and Sewer System (the "System") within the boundaries of the lands described in Florida Statute Chapter 2005-298; and

**WHEREAS**, the Board is authorized and empowered to make rules and regulations for its own government and proceedings; and

**WHEREAS**, the Board wishes to create a more collaborative relationship between the property owners, and the District; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE IMMOKALEE WATER AND SEWER DISTRICT**, in public meeting assembled that the following changes to the Rules and Regulations be implemented:

1. Property owners will provide a list, in writing, to the District of the properties that are in their name, so that a cut off list can be sent to them. The list should state who the agent is, and where they want information sent to about their accounts. Property owners will review the notices and assure that the correct tenant is listed.
2. Property owners will agree to create leases that include a clause that the tenant must have water and sewer services through IWSD.. Failure to have water and sewer service is a public health issue, which would constitute a violation of the lease, and be grounds for eviction.
3. Property owners must follow through on evicting tenants that do not comply with the rules.
4. The lease shall state that the tenants may not sublet to anyone else, and should list who is residing at the address. If a husband and wife are both on the lease, then both names should be listed on the IWSD account.
5. Property owners will require that tenants provide proof, in the form of a receipt showing that security deposit and connection fees or transfer fees are paid, before they allow them to move in.
6. The tenant must be able to provide a valid State or US government issued photo identification, and be of legal contracting age, in order to place the service in their name. .
7. If there is no lease, then the person applying for service will have to provide proof of ownership, in order to have the service started.
8. Tenants will have to pay all outstanding balances that are due in their name at the time that service is started.
9. Once an account is properly closed by a tenant, any additional charges that accrue, such as inactive usage, or meter tampering, must be paid by the property owner, before service can be started. When an account is turned off, or placed on vacation, the meter will be locked unless the property owner or property manager has made arrangements with the District, and

will be responsible for the water use in the unit.

10. The District will begin doing administrative refunds at 60 days, instead of 90 days.  
*“Security deposits will be applied to outstanding balances on accounts that have been cut-off for non-payment of service, after a period of one month or on delinquent accounts that have not had payments applied for two months.”*
11. Customers will start at credit rating 2, and will not be considered a good credit customer until they have been a customer for at least a year, and otherwise meet the criteria for a good credit customer.
12. Payment plans will only be allowed once every six months, and the customer will need to pay at least half of the amount due at the time they request the payment plan.
13. If the property owner follows these guidelines, in order to reduce the liability to the District, they will not be required to pay the outstanding bills left by the tenant

This resolution shall become effective on \_\_\_\_\_.

If any phase or portion of this Resolution is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

**PASSED AND DULY ADOPTED** by the Board of Commissioners of the IMMOKALEE WATER AND SEWER DISTRICT, this 15th day of October, 2008

**BOARD OF COMMISSIONERS  
IMMOKALEE WATER AND SEWER DISTRICT**

BY: \_\_\_\_\_  
Anne Goodnight  
Chair

BY: \_\_\_\_\_  
Pete Cade  
Secretary